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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,548

09/29/2006

Derk Vegter

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EXAMINER

AMRANY, ADI

ART UNIT

PAPER NUMBER

2836

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/599,548	Applicant(s) VEGTER, DERK	
	Examiner ADI AMRANY	Art Unit 2836	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 1,3,4,8,9 and 11-18.
 Claim(s) objected to: _____.
 Claim(s) rejected: 19.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Stephen W Jackson/
 Primary Examiner, Art Unit 2836

Continuation of 11. does NOT place the application in condition for allowance because: .

Applicant argues that Auer does not disclose that the first/second capacitors are charged during application of the first/second frequency signals (Remarks, page 8). Auer discloses that, as the frequencies alternate, only one of the bridges (135, 136) will produce a dominant D.C. output potential (col. 3, lines 49-58). This output D.C. potential can also be seen in figure 3B (which refers to the potential at node 138). During the first frequency, bridge 135 produces a dominant output potential (+V at node 138, -V at node 140), and charges the charging capacitor (149A). During the second frequency, bridge 136 produces a dominant output potential, (-V at node 138, +V at node 140), and charges the driving capacitor. Thus, Auer meets the limitation of charging the capacitors during the first/second frequency.

Applicant next argues that Auer does not disclose that when the charging capacitor (149A) is being charged, the drive capacitor (149B) is being discharged (Remarks, page 9). Applicant maintains that the capacitors maintain a steady state dc voltage. As discussed above, the voltage potential at nodes 138 and 140 alternates between +V and -V (fig 3B) in response to the input frequency. During the first frequency, +V is available at node 138. The voltage drop across resistor (141) and capacitor (149A) is equal to the total voltage drop across lamps (144, 145) diode (143) and resistor (142) (completing the current loop as shown by applicant; Remarks, page 9, first paragraph). During the second frequency, +V is available at node 140. The voltage drop across resistor (142) and capacitor (149B) is equal to the voltage drop across lamps (147, 148) diode (146) and resistor (141).

The voltage drop across either resistor (141/142) during the first frequency is not equal to the voltage drop across the same resistor during the second frequency. As shown above, during the first frequency, the voltage drop of resistor (141) is a function of the voltage drop across resistor (142) (as vice versa during the second frequency). Therefore, the voltage drop across resistor (141) and resistor (142) also alternates in response to the input frequency. Since the voltage drop across the resistors changes, the voltage drop across the capacitors (149A/B) changes as well.

During the first frequency, V+ causes the charging capacitor (149A) to charge. During the second frequency, V- reduces the amount of potential available to the capacitor (149A), and as a result, it discharges. Similarly, driving capacitor discharges during the first frequency and charges during the second frequency.

Regarding the phrase, "wherein a charged voltage across the charging capacitor enables the drive circuit to charge the drive capacitor of the drive circuit during the second period of time," the claim does not indicate how the charging capacitor "enables." First, it is noted that capacitors are passive devices and therefore, do not perform any active "enabling" functions. As discussed above, Auer discloses that during the second period of time, the charging capacitor (149A) is being discharged from its higher potential to its lower potential, while the drive capacitor (149B) is being charged from its lower potential to its higher potential. One skilled in the art would recognize that when the second period of time begins, the discharging of 149A and the charging of 149B occur simultaneously. As stated in the Final Rejection (page 5), since the capacitors are in series, one skilled in the art would recognize that some of the current discharged from the charging capacitor (149A) will be used to charge the driving capacitor (149B). This sharing of current is sufficient to meet the broad limitation of how one capacitor "enables" the charging of another, as recited in claim 19.

The rejected limitations of claim 19 are distinguished from the allowable limitations of claim 15. Method claim 19 does not include the limitation that the drive circuit comprises "at least one transistor" or the limitation that the discharging current of the charging capacitor biases the base of the at least one transistor. When the base of the transistor is biased, the drive capacitor is charged. As can be seen from claim 15, although the charging capacitor provides the biasing current, the drive capacitor by itself does not actually enable the charging of the drive capacitor. The "enabling" is accomplished by the active device (at least one transistor).

Further, it is noted that the status of claim 1 is incorrect. Because applicant has amended the claim, the claim listing should state that claim 1 is "currently amended" instead of "previously presented". A response to this advisory action should clarify the status of claim 1 to make sure that the amendment is entered changing "enable" to "enables" (line 19).